

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1008 be amended to read as follows:

- 1 Page 5, between lines 15 and 16, begin a new paragraph and insert:
2 "SECTION 3. IC 5-10-6-2 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
4 DECEMBER 31, 2005 (RETROACTIVE)]: **Sec. 2. (a) This section**
5 **applies to employees of the state who elect under**
6 **IC 5-10.3-6-8.7(g)(2) to receive a distribution under this section.**
7 **(b) As used in this section, "salary" means:**
8 **(1) the basic salary earned by and paid to the employee; plus**
9 **(2) the amount that would have been a part of the basic salary**
10 **earned and paid except for the employee's salary reduction**
11 **agreement established under Section 125 or 457 of the**
12 **Internal Revenue Code.**
13 **(c) An employee who is covered by IC 5-10.3-6-8.7(f) may elect,**
14 **not later than sixty (60) days after the termination date established**
15 **under IC 5-10.3-6-8.7(f), to receive a distribution equal to the**
16 **employee's salary for the fifty-two (52) weeks preceding the**
17 **employee's termination date established under IC 5-10.3-6-8.7(f).**
18 **(d) A distribution under this section is payable as a lump sum**
19 **not later than one hundred twenty (120) days after the date the**
20 **employee makes the election under subsection (c).**
21 **(e) The amounts that the state is required to pay under this**
22 **section must come from the following sources:**
23 **(1) If the state receives monetary payments under the lease or**
24 **contractual arrangement described in IC 5-10.3-6-8.7(a), the**
25 **proceeds of the monetary payments received by the state. The**
26 **state may not require, as a condition of the transaction to**
27 **transfer state property or have certain state functions**
28 **performed by a nongovernmental entity, that the**
29 **nongovernmental entity directly or indirectly pay the amounts**

1 that the state is required to pay under this section.

2 **(2) If the state does not receive any monetary payments under**
 3 **the lease or contractual arrangement described in**
 4 **IC 5-10.3-6-8.7(a), any remaining appropriations made to the**
 5 **state department, agency, or other entity terminating the**
 6 **employees described in IC 5-10.3-6-8.7.**

7 **(3) If the sources described in subdivisions (1) and (2) do not**
 8 **fully fund the amounts that the state is required to pay under**
 9 **this section, the governor shall request that the general**
 10 **assembly appropriate the amount necessary to fully fund the**
 11 **state's required payments under this section in the next**
 12 **biennial state budget.**

13 **(f) The state personnel department may adopt reasonable**
 14 **procedures and standards to implement this section."**

15 Page 5, line 31, delete "(i)," and insert "**(j)**,".

16 Page 6, line 17, delete "(g)." and insert "**(h)**,".

17 Page 6, between lines 17 and 18, begin a new paragraph and insert:

18 **"(g) A member who is covered by subsection (f) may elect to**
 19 **receive:**

20 **(1) creditable service under subsection (h); or**

21 **(2) a distribution under IC 5-10-6-2."**

22 Page 6, line 18, delete "(g)" and insert "**(h)**".

23 Page 6, line 25, delete "(h)" and insert "**(i)**".

24 Page 6, line 36, delete "(h)" and insert "**(i)**".

25 Page 6, line 37, delete "(g)" and insert "**(h)**".

26 Page 7, line 3, delete "(g)." and insert "**(h)**,".

27 Page 7, line 11, delete "(g)," and insert "**(h)**,".

28 Page 7, line 14, delete "(g)" and insert "**(h)**".

29 Page 7, line 15, delete "(i)" and insert "**(j)**".

30 Renumber all SECTIONS consecutively.

(Reference is to EHB 1008 as printed February 24, 2006.)

Senator BOWSER